

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
BLUEFIELD

WILLIAM THOMAS KNIGHT, II,

Plaintiff,

v.

Civil Action No. 1:10-00072

GEORGE JANICE, Warden,  
et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of findings and recommendations regarding disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge VanDervort submitted to the court his Proposed Findings and Recommendation on December 21, 2010, in which he recommended that the court do the following with respect to various motions:

1. **GRANT** in part and **DENY** in part Defendants' Motion for Rule 41 Dismissal and Motion for Sanctions (Document No. 51.),
2. **DENY** as moot Defendants' Motion for Summary Judgment (Document No. 47.),
3. **DISMISS** Plaintiff's Complaint (Document No. 1.) and **REMOVE** this matter from the Court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendations. The failure of any party to file

such objections constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

The parties failed to file any objections to the Magistrate Judge's Findings and Recommendation within the seventeen-day period. Having reviewed the Findings and Recommendation filed by Magistrate Judge VanDervort, the court **ADOPTS** the findings and recommendation contained therein. Accordingly, the court:

1. **GRANTS** in part and **DENIES** in part Defendants' Motion for Rule 41 Dismissal and Motion for Sanctions (Document No. 51.);
2. **DENIES** as moot Defendants' Motion for Summary Judgment (Document No. 47.);
3. **DISMISSES** Plaintiff's Complaint (Document No. 1.) and **DIRECTS** the Clerk to remove this matter from the Court's docket.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to plaintiff, pro se, and counsel of record.

It is **SO ORDERED** this 2nd day of February, 2011.

ENTER:

A handwritten signature in black ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber  
Senior United States District Judge